

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

DONALD E. TUCKER, <i>et al</i>	)	CASE NO.: 4:18-CV-2871
	)	
Plaintiffs,	)	JUDGE: BENITA Y. PEARSON
	)	
vs.	)	<b><u>DEFENDANT'S MOTION TO AMEND</u></b>
	)	<b><u>BY INTERLINEATION TO DELETE</u></b>
	)	<b><u>PARAGRAPH 44 OF THE ANSWER</u></b>
KOKOSING INDUSTRIAL, INC.	)	
	)	
Defendant.	)	

Now comes Defendant Kokosing Industrial, Inc. by and through the undersigned counsel and moves this Court for leave to amend by interlineation the defense contained in paragraph 44 of its Answer (Doc # 6, PageID # 60).

Specifically, Paragraph 44 of the Answer asserts the defense of the doctrine of after-acquired evidence. As discussed in the case management conference with the Court and opposing counsel, at this point in time there is no evidence of after-acquired evidence and therefore Defendant is moving to delete Paragraph 44 of the Answer by interlineation. This deletion will have no affect on either party's allegations and/or defenses herein.

Accordingly, Defendant moves that Paragraph 44 of the Answer be deleted by interlineation. Plaintiffs have reviewed this motion and have indicated that they have no objection.

Respectfully submitted,

s/Evelyn P. Schonberg  
Evelyn P. Schonberg (0020176)  
Ross, Brittain & Schonberg Co., L.P.A.  
6480 Rockside Woods Blvd. South, Suite 350  
Cleveland, OH 44131  
Telephone: (216) 447-1551  
Facsimile: (216) 447-1554  
Email: lynns@rbslaw.com  
*Counsel for Defendant*

**CERTIFICATE OF SERVICE**

I certify that on March 26, 2019 the foregoing was filed electronically with the Clerk of Court using the CM/ECF system. The following participants in the case are registered CM/ECF users and will be notified by the CM/ECF system:

S. David Worhatch  
Law Offices of S. David Worhatch  
4920 Darrow Road  
Stow, Ohio 44224-1406  
sdworhatch@worhatchlaw.com

*Counsel for Plaintiffs*

s/ Evelyn P. Schonberg  
Evelyn P. Schonberg (0020176)

*Counsel for Defendant*